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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 19, 2001

APPLICATION OF

S.E. MORAN UTILITIES, INC.

CASE NO. PUE010073

To cancel certificate of
public convenience and necessity

ORDER CANCELING CERTIFICATE

By Final Order entered on October 13, 1988, the Commission granted S. E. Moran Utilities, Inc. ("S. E. Moran" or "the Company"), a certificate of public convenience and necessity, Certificate No. W-260 ("Certificate"), to provide water service to an area located near Bassett, Virginia, in Henry County, Virginia.

In an application completed on May 24, 2001, the Company asserts that it is no longer a public utility, pursuant to § 56-1.2 of the Code of Virginia (the "Code"), and requests that the Commission cancel such Certificate.¹ The Company states that it

¹ Section 56-1.2 states, in part, that:

The term public utility . . . as used in Chapters 1 (§ 56-1, et seq.), 10 (§ 56-265.1, et seq.), 10.1 (§ 56.232, et seq.), and 10.2:1 (§ 56.265.13.1, et seq.) . . . shall not refer to any person who owns or operates property and provides . . . water to residents or tenants on the property, provided that (i) the . . . water provided to the residents or tenants is purchased by the person from a public utility, public service corporation, public service company . . . , or a county, city or town, or other publicly regulated political subdivision or public body, (ii) the person or his agent charges to the resident or tenant on the property only that portion of the person's utility charges for the . . . water which is permitted by § 56-245.3 [i.e., no charge in excess of that charge by the utility company to the owner, including taxes, except that there may be an additional charge not to exceed two dollars per unit, for administrative

currently receives water service from the Henry County Public Service Authority ("Henry County PSA") and that it charges customers \$15 per month for their water service. Such charge is less than that currently charged by the Henry County PSA (\$16 per customer per month). In an affidavit filed on September 14, 2001, the owner of the Company, states that S. E. Moran has at least three years of billing records to support the above-referenced charges.

NOW THE COMMISSION, having considered the Company's application, subsequent filings, and applicable law, is of the opinion that the Company's certificate of public convenience should be cancelled as the Company is no longer providing water service as a public utility.

Accordingly, IT IS ORDERED THAT:

(1) Certificate No. W-260 authorizing S. E. Moran to provide water service to the above-referenced area of Henry County, Virginia, is hereby cancelled.

(2) There being nothing further to be done in this matter, this case is hereby dismissed from the Commission's docket of active cases.

costs and billing], and (iii) the person maintains three years' billing records for such charges.